

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKROLAND GUTIERREZ, FRANKIE ROSADO,
RENE CANELA AND DAVID FLORES,

Plaintiffs,

-against-

THE CITY OF NEW YORK, THE NEW YORK CITY
POLICE DEPARTMENT and RAYMOND KELLY,
COMMISSIONER, et al.,

Defendants.

Index No.: 08 CV 6537

AFFIDAVIT OF SERVICE
OF SUMMONS
AND VERIFIED COMPLAINT

STATE OF NEW YORK, COUNTY OF NASSAU SS.:

JOHN MICHAEL DEVITO, being duly sworn deposes and says: that deponent is not a party to his action, is over 18 years of age and resides at Farmingdale, NY 11735. That on July 25, 2008 at 11:48 a.m. at One Police Plaza, New York, New York, deponent served the within Summons and Verified Complaint on defendant COMMISSIONER RAYMOND KELLY, therein named.

1. INDIVIDUAL by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.
2. CORPORATION a domestic corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be AUTHORIZED TO ACCEPT thereof
3. X SUITABLE AGE PERSON by delivering thereat a true copy of each to a person of suitable age discretion. Said premises is defendant's place of business - within the state.
4. AFFIXING TO DOOR, ETC. by affixing a true copy of each to the door of said premises, which is defendant's - actual place of business - dwelling house - usual place of abode - within the state. Deponent was unable with due diligence to find defendant or a person of suitable age and discretion, thereat having called there

 MAILING
use with 3 or 4
(if applicable)

Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addresses to defendant at defendant's last known residence, at and deposited said wrapper in - a post office - depository under exclusive care and custody of the United States Postal Service within New York State.

MAILED IN AN ENVELOPE MARKED PERSONAL AND CONFIDENTIAL

 3 DESCRIPTION Deponent describes the individual served as follows:
1 or 3

<u> </u> Male	<u> X </u> White Skin	<u> </u> Black Hair	<u> </u> 14-20 Yrs.	<u> </u> Under 5'	<u> </u> Under 100 lbs.
<u> X </u> Female	<u> </u> Black Skin	<u> </u> Brown Hair	<u> </u> 21-35 Yrs.	<u> </u> 5'0" - 5'3"	<u> </u> 100-130 lbs.
	<u> </u> Brown Skin	<u> X </u> Blond Hair	<u> X </u> 36-50 Yrs.	<u> X </u> 5'4" - 5'8"	<u> </u> 131-160 lbs.
		<u> </u> Gray Hair	<u> </u> 51-65 Yrs.	<u> </u> 5'9"-6'0"	<u> X </u> 161-200 lbs.
		<u> </u> Red Hair	<u> </u> Over 65 Yrs.	<u> </u> Over 6'	<u> </u> Over 200 lbs.
		<u> </u> White Hair			
		<u> </u> Balding		<u> </u> Glasses	

Sworn to before me on August 1, 2008



SHERYL A. SERRANO
Notary Public, State of New York
No. 01SE6090996
Qualified in Nassau County
Commission Expires April 21, 2011



JOHN MICHAEL DEVITO